

REMARKS

In the Office Action mailed July 22, 2011, the Examiner rejected claims 24-27, 29-35 and 47-57. No claims have been amended. Claims 24, 26, 27, 29, 31-35, and 47-54 remain pending in the application. Applicants present the following remarks for review and consideration by the Examiner.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

PETITION FOR EXTENSION OF TIME

Applicants respectfully request and petition an appropriate extension of time to respond to the outstanding Office Action, of 3-months. The Commissioner is hereby authorized to charge Deposit Account No. 50-1097 for the 3-month extension fee and for any deficiencies or overpayments which may be due in the name of Dobrusin & Thennisch PC.

Rejection under 35 U.S.C. §102(b):

The Examiner rejected independent Claim 26 and dependent Claims 49-51 under 35 U.S.C. §102(b) as being anticipated by DE 19525742 to Anstalt (herein after "Anstalt"). With regard to independent Claim 26, the Examiner states that Anstalt teaches a method for slicing a food product block comprising:

feeding the food product block 8 to a blade 2;

conveying the food product block towards the blade by at least one conveyor belt 1,

wherein at any desired time during slicing of the food product block, the rear end of the food product block is brought into contact in each case with a means 7,

wherein the means is driven by the conveyor belt during the contact with the food product block, and

wherein the means serves merely to hold and not to drive the food product block.

See Fig. 1.

With regard to dependent Claim 49, the Examiner states that Anstalt teaches a gripper connected to the food product block by interlocking. With regard to dependent Claim 50, the Examiner states that Anstalt teaches the means (7) being driven by the conveyor belt (1) in Fig. 1. With regard to dependent Claim 51, the Examiner states that Anstalt teaches the means (7) engaging the food block (8) towards the end of the processing process.

The present invention is a method and device for slicing food bars (Title and Abstract). Specifically the present invention relates to methods for simultaneously slicing at least two food product blocks fed to a blade. (Para [0001]). A virtually continuous slicing machine (5) comprises a blade (11) for cutting a food product block (2) into food product slices (12). The food product block (2) is conveyed continuously by a conveyor belt (4) in the direction of a cutting plane (6) of the blade (11). (Para [0061] and Fig.1). The food product block (2) is conveyed by the conveyor belt (4) along a feed passage (14). At its rear end (18), the food product block (2) is brought into contact with a gripper (18) having a drive unit (20, 21). A frictional connection exists between the gripper (18) and the conveyor belt (4) such that as soon as the gripper (18) is engage with the conveyor below (4), the conveyor belt (4) drives the gripper (18) and the not the drives (20, 21). Accordingly the gripper (18) serves to merely hold and not drive the food product block (2). (Para [0062]). In one embodiment, the slicing machine

has four grippers (18) arranged on a central drive unit (20) which may be displaced along a guide (22). Displacement of the central drive unit (20) may be effected either by a motor or by the food product blocks (2) which have been connected with the grippers (18) and are conveyed by the corresponding conveyor belts (4). In another embodiment, the central drive unit (20) may be fixed in position relative to the guide (22). Each gripper (18) includes a drive unit (21) with which the gripper (18) may be displaced axially relative to the central drive unit (20). (Para [0062] and Figs. 2a and 2b).

In use, the food product blocks (2) are inserted into the guide passage (14). The food product blocks (2) may be brought into contact with a limit stop (16) for locating the ends of the food blocks (2) facing the blade (11) for locating the food blocks (2) in a plane parallel to the blade (11). The conveyor belts (4) may be individually driven, such that each food product block (2) is advanced in an adjustable manner and thus the rate at which the food product blocks (2) are sliced may differ. Before or during slicing, the central unit (20) is moved along the guide (22) in the direction of the rear ends of the food product blocks (2) until each gripper (18) comes into contact with a corresponding food product block (2). The gripper (18) is brought into contact with the respective food product blocks (2) in succession or simultaneously and may be connected therewith without the food product blocks (2) suffering appreciable compression. If a limit stop (16) is used and the grippers (18) are connected before the slicing starts, the food product blocks (2) are not pressed appreciably against the limit stop (16) and advantageously the limit stop (16) may be removed without the food product blocks (2) being damaged while maintaining parallel alignment of the front ends of the food product blocks (2), eliminating the need for a trimming cut prior to slicing the food product blocks (2). Once contact is made between the grippers (18) and the food product block (2), both the drive of the central unit (20) and the drives (21) of the respective grippers (18) may be stopped, such that the central unit (20) is mounted so as to be freely displaceable along the guide (22) and the grippers (18) are mounted so as to be freely displaceable in the guides (21) such that the gripper (18) and thus the central unit (20) are drawn towards the blade (11) by the food product blocks (2). The grippers (18) are not driven by their own drives (21) after contact with the food product blocks (2) and are therefore also not in a position to drive the food product blocks (2) toward the blade (11). The grippers (18) are either moved towards the blade (11) by the corresponding food product blocks (2) and/or the conveyor belts (4). (Para [0064]. With reference to Figs. 4a-4c, the food product blocks (2) are of such a length that their rear end lies behind the grippers (18) and the food product block (2) lies at least partially under the gripper (18). The food product blocks (2) are sliced until their rear ends are located in front of the grippers (18), which are then

brought into engagement with the food product blocks (2) at any desired point, but at the latest when it can no longer be guaranteed that the food product blocks (2) will be held securely between the conveyor belts (4). (Para [0065]).

Claim 26 recites:

A method for slicing a food product block comprising:
feeding the food product block to a blade;
conveying the food product block towards the blade by at least one conveyor belt, wherein at any desired time during slicing of the food product block, the rear end of the food product block is brought into contact in each case with a means,
wherein the means is driven by the food product block, the conveyor belt, or both during said contact with the food product block; and
wherein the means serves merely to hold and not to drive the food product block.

Anstalt discloses an apparatus for feeding to cut slices comprising an endless belt (1) which forms a product supplied to a slicer and its rotating planetary blade (2). The endless belt (1) is the contact area for each product (8), which is collected in a known manner by means of a gripper (7), at its end. The gripper (7) is positively connected with the upper strand (3) of the endless belt (1) via a coupling plate (6) which is fixed to the endless belt (1). Anstalt states that the coupling unit (6) for each gripper (7) is firmly attached to the upper run of the belt and may be a vulcanized plate inserted and fixed to the upper run of the endless belt (1). Anstalt states that an important advantage of the invention is that compression of the product (8) takes place before the start of the endless belt (1), increasing friction with the product (8) and the belt (1).

In sharp contrast, Applicants' invention provides means for engaging a food product block at any desired point. As set forth in Claim 26, the means engages the food product block at any desired time *during slicing*. (Emphasis added). Anstalt, therefore, does not anticipate Applicants' novel method, where Anstalt states specifically that the gripper is fixed to the conveyor belt and must engage and compress the product before slicing begins.

Applicants' method further differs from Anstalt where the means serves to merely hold and not drive the food product block. Anstalt specifically states that the product (8) is engaged and compressed by the gripper (7) to increase the friction of the product (8) and the belt (1). Anstalt is contra to the novel method of Applicants' invention as set forth in independent Claim 26. Remaining Claims 49-51 depend from Claim 26 and are, therefore, also allowable.

Rejection under 35 U.S.C. §103(a):

The Examiner rejected Independent Claim 24 and dependent Claims 27, 29, 31-35, 47, 48, and 52-57 under 35 U.S.C. §103(a) as being unpatentable over Anstalt in view of USPN 6,935,215 to Lindee et al. (hereinafter "Lindee"). Regarding independent Claim 24, the Examiner states that Anstalt teaches a method for cutting a food product block comprising:

feeding a product blocks 8 to a blade 2;

inserting the food product blocks 8 into a feed passage, wherein the food products blocks are brought into contact with a limit stop (at the end of the conveyer belt 1);

conveying the food product block 8 by a conveyor belt 1;

slicing first end of the food product block 8; and

connecting a gripper 7 to an end of the food product block to create a connection, remote from the blade, of each of the food product block,

wherein the connection between the gripper and the food product blocks occurs only after slicing one or more of the food product block begins (when a customer needs a slice for sampling, an operator just pushes the food product block against the blade 2 for a sample. When the customer needs a large quantity of slices, the user fully sets up the food product block on the slicer by connecting an end of the food product block to the gripper 7), and

wherein the gripper is not driven by its own drive at least during contact with the food product block (it is noted the gripper is driven by the conveyor belt 1).

See Figs. 1 and 2.

The Examiner states that Anstalt does not teach the step of slicing at least two food products simultaneously. The Examiner relies on Lindee for this teaching (See col. 2, line 67-col. 3, line 1).

Claim 24 recites:

A method for simultaneously slicing at least two food product blocks comprising:

feeding in parallel the at least two food product blocks to a blade;

inserting each of the at least two food product blocks into a feed passage, wherein the at least two food product blocks are optionally brought into contact with a limit stop;

conveying the at least two food product blocks towards the blade by at least one conveyor belt;

slicing the ends of the food product blocks; and

connecting a gripper to a end of the at least two food product blocks to create a connection, remote from the blade, of each of the at least two food product blocks,

wherein the connection between the gripper and the at least two food product blocks occurs only after slicing of one or more of the at least two food product blocks begins; and

wherein the gripper is not driven by its own drive at least during contact with the food product block.

Applicants' invention provides a gripper for connecting to the end a food product block. As set forth in Claim 24, the gripper connects with the food product after *slicing begins*. (Emphasis added). In sharp contrast, Anstalt states specifically that the gripper is fixed to the

conveyor belt and must engage and compress the product before slicing begins. Applicants' method further differs from Anstalt where the gripper serves to merely hold and not drive the food product block. Anstalt specifically states that the product (8) is engaged and compressed by the gripper (7) to increase the friction of the product (8) and the belt (1). Lindee does not cure these defaults. Further, Anstalt is contra to the novel method of Applicants' invention as set forth in independent Claim 24, therefore there is no teaching-suggestion-motivation (TSM) for combining Anstalt with Lindee as suggested by the Examiner. Remaining Claims 27, 29, 31-35, 47, 48, and 52-57 depend directly or indirectly from Claim 24 and are, therefore, also allowable.

The Examiner rejected independent Claim 55 under 35 U.S.C. §103(a) as being unpatentable over Lindee in view of Anstalt. The Examiner relies on Lindee for teaching a method for simultaneously slicing at least two food product blocks comprising:

inserting the at least two food product blocks 32 into a guide passage (upstream of conveyor belts);

guiding the at least two product blocks into a conveying means (20, 24, 22, 26);

conveying the at least two food product blocks towards the blade 33 using at least one conveyor belt;

slicing the food product blocks;

engaging the at least two food product blocks 32 with the at least one conveyor belt (20, 24, 22, 26);

wherein the at least one conveyor belt includes an inlet side and an blade side;

wherein the at least two food product blocks 32 are in contact with the at least one conveyor belt (20, 24, 22, 26) so that the at least two food product blocks are conveyed towards the blade 33;

wherein the at least two food product blocks are arranged in such a way that before the first cut, the at least two food product blocks are located in a line, substantially parallel to the cutting plane of the blade so that no trimming cut has to be performed.

See Fig. 1.

The Examiner states that Lindee does not teach providing a gripper and relies on Anstalt for teaching a gripper for holding an end of a food product to increasing a holding force. See Figure 1.

Claim 55 recites:

A method for simultaneously slicing at least two food product blocks comprising:
inserting the at least two food product blocks into a guide passage;
guiding the at least two product blocks into a conveying means;
conveying the at least two food product blocks towards the blade using at least one conveyor belt;
slicing the food product blocks;
attaching a gripper to an end, remote from the blade, of each of the at least two food product blocks;
driving the grippers that are attached to each of the at least two food product blocks, at least part of the time, using only the at least one conveyor belt, one of the at least two food product blocks, or both;
engaging the at least two food product blocks with the at least one conveyor belt; wherein the at least one conveyor belt includes an inlet side and an blade side;
wherein the at least two food product blocks are in contact with the at least one conveyor belt so that the at least two food product blocks, the gripper, or both are conveyed towards the blade;
wherein the grippers attach to the ends of the at least two food product blocks after slicing of the at least two product blocks has begun;
wherein the gripper is not driven by its own drive at least during contact with the food product block; and
wherein the at least two food product blocks are arranged in such a way that before the first cut, the at least two food product blocks are located in a line, substantially parallel to the cutting plane of the blade so that no trimming cut has to be performed.

Lindee discloses a loaf feed for delivering a loaf end into a cutting plane. An output conveyor is located below the slicing blade for receiving the slices and forming a shingled draft. A control system automatically adjusts a lateral movement of the output conveyor to form a laterally shingled draft of a consistent width in response to a sensed lateral dimension of the loaf being sliced. Lindee, therefore, is directed to sensing the proper spacing of the shingled product. In sharp contrast to the Examiner's statements, Lindee does not teach nor suggest wherein the at least two food product blocks are arranged in such a way that before the first cut, the at least two food product blocks are located in a line, substantially parallel to the cutting plane to the blade so that no trimming cut has to be performed. Further, there is no motivation to provide a gripper in Lindee, as suggested by the Examiner. Even if a gripper were provided, the gripper of Anstalt holds the end of a food product to increase the holding force as stated by the Examiner. This is opposite to the purpose of Applicants' novel method including the step of providing a gripper that, once connected to the food product block, is driven using only the conveyor belt, the food product block or both. As set forth above, Applicants gripper (18) is brought into contact with the respective food product blocks (2) in succession or simultaneously and may be connected therewith without the food product blocks (2) suffering appreciable

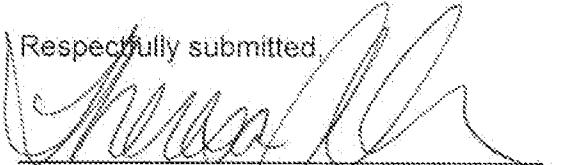
compression. (Para [0064]). As such, combining Lindee with Anstalt, as suggested by the Examiner does not obviate Applicants' novel invention as set forth in independent Claim 55.

CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicants request that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

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Respectfully submitted


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